

Message Text

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ACTION EUR-12

INFO OCT-01 ISO-00 CIAE-00 DODE-00 PM-04 H-02 INR-07 L-03

NSAE-00 NSC-05 PA-01 PRS-01 SP-02 SS-15 USIA-06 IO-10

ACDA-05 SAM-01 SAJ-01 EB-07 DOTE-00 EURE-00 /083 W

----- 023006

P R 241235Z DEC 75

FM USMISSION USBERLIN

TO AMEMBASSY BONN PRIORITY

INFO SECSTATE WASHDC PRIORITY 1819

AMEMBASSY BERLIN

AMEMBASSY LONDON

AMEMBASSY MOSCOW

USMISSION NATO

AMEMBASSY PARIS

C O N F I D E N T I A L USBERLIN 2641

E O 11652: GDS

TAGS: PFOR, PGOV, WB, GW, GE

SUBJ: INNER-GERMAN TRANSIT PACKAGE: ALLIED FOLLOW-UP ACTION

REFS: A. STATE 302007; B. BONN 20712; C. USBERLIN 2601

1. SUMMARY: TRANSMITTED BELOW IS A STATUS REPORT
OF WHERE WE STAND ON VARIOUS ASPECTS OF FOLLOW-UP
ACTION. END SUMMARY.

2. REICHSBAHN: WE ARE ADVISING ALLIED MISSIONS OF
CHANGES SUGGESTED BY DEPARTMENT AND WE EXPECT NO
DIFFICULTY GAINING ACCEPTANCE. BRITISH INITIALLY
DRAGGED FEET ON BK/O SUGGESTING IT MIGHT BE BETTER
TO WAIT UNTIL GDR SHOWED IT HAND MORE FULLY AT
NEXT MONTH'S FAHRPLAN CONFERENCE AND TO USE ADDITIONAL
TIME TO CONSIDER BROADENING BK/O TO DEAL NOT ONLY
WITH SPECIFIC PROJECTS ENVISAGED AT STAACKEN AND
THRE TRAIN STATIONS BUT ALSO WITH GENERAL QUESTION
OF REICHSBAHN CONSTRUCTION IN WESTERN SECTORS. THEY
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ARE NOW INCLINED, HOWEVER, TO RECOMMEND EARLY ISSUANCE

OF DRAFT BK/O AND BK/L TO THEIR EMBASSY. WE WOULD HOPE TO BE ABLE TO USE PERIOD BETWEEN CHRISTMAS AND NEW YEAR'S FOR CONSULTATION WITH SENAT AND TO BE IN POSITION TO ISSUE DOCUMENTS BEFORE END OF YEAR OR AT LEAST RIGHT AFTER NEW YEAR'S WITH BK/O AND BK/L BACKDATED TO DEC 19.

3. CONCERNING POINT RAISED BY DEPARTMENT PARA 3 REF A, QUESTIONS OF TITLE PROBABLY WILL NOT ARISE DURING IMPLEMENTATION BECAUSE THERE SHOULD BE NO TRANSFERS OF PROPERTY THAT MIGHT BRING GRUNDBUCH PROCEDURES INTO PLAY. CONSTRUCTION APPEARS TO BE LIMITED TO EXISTING STATION AND TRACK AREAS AND THUS HOPEFULLY WILL NOT RAISE ISSUES RELATED TO NON-OPERATING PROPERTY. WE WILL, HOWEVER, BE LOOKING CLOSELY AT SPECIFIC PROJECTS AND REQUESTS FOR APPROVAL REICHSBAHN WILL SUBMIT PURSUANT TO BK/O AND BK/L TO ENSURE THAT THEY CONTAIN NO UNACCEPTABLE IMPLICATIONS.

4. NORTHERN CROSSING POINT: WE ENVISAGE PUTTING OUT BK/L SOMETIME FAIRLY EARLY IN NEW YEAR TAKING NOTE OF COMMUNICATIONS IN INNER-GERMAN PACKAGE CONCERNING OPENING OF NEW NORTHERN CROSSING POINT THAT WOULD FALL WITHIN PROVISIONS OF VISITS ARRANGEMENT. WE WOULD AUTHORIZE SENAT TO UNDERTAKE NECESSARY TECHNICAL DISCUSSIONS PURSUANT TO BK/L(73)46, WHICH WILL, OF COURSE, ALSO REQUIRE ALLIES TO APPROVE ARRANGEMENTS WORKED OUT BY SENAT AND GDR IN THOSE TALKS BEFORE CROSSING POINT CAN BE OPENED.

5. HELMSTEDT AUTOBAHN CONSTRUCTION: AS NOTED REF B, FRENCH HAVE ALREADY UNDERTAKEN PRELIMINARY MEASURES TO ENSURE THAT CONSTRUCTION ON AUTOBAHN AND ON BERLINER RING DOES NOT ADVERSELY AFFECT ALLIED TRANSIT RIGHTS. IN ADDITION TO WHAT AMBASSADOR WORMSER TOLD ABRASIMOV, FRENCH POLAD RAISED ISSUE WITH SOVIET EMBASSY COUNSELOR KHOTULEV AT LUNCH DEC 16. KHOTULEV AGREED THAT GDR NOTIFICATION TO FRG PURSUANT TO ARTICLE 15 OF TRANSIT TRAFFIC AGREE-.
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MENT WOULD NOT BE SUFFICIENT TO MEET FOUR POWER CONCERNS WITH RESPECT TO ALLIED TRAFFIC. FRENCH MISSION ORIGINALLY SUGGESTED THAT ALLIED MISSIONS MAKE LENGTHY FORMAL STATEMENT TO SOVIET EMBASSY INCLUDING REFERENCES TO TRANSIT TRAFFIC AGREEMENT AND ASSERTION THAT FOUR POWERS HAVE GIVEN THEIR APPROVAL TO APPROPRIATE GERMAN AUTHORITIES TO CONCLUDE NEW AGREEMENT. WE AND BRITISH HAVE

ARGUED AGAINST SUCH AN EXPANSIVE STATEMENT ON
GROUNDS THAT FRG CONSIDERS REFERENCES TO TRANSIT
TRAFFIC AGREEMENT ALREADY IN INNER-GERMAN PACKAGE TO
BE SUFFICIENT TO PROTECT GERMAN TRAFFIC, AND GDR
COULD WELL REGARD SUCH AN OVERLOADED ALLIED STATEMENT
AS BREAKING COMPROMISE WORKED OUT BY FRG-GDR. FRENCH
NOW APPEAR INCLINED TO AGREE THAT ALLIED MISSIONS
SHOULD LIMIT THEMSELVES TO ADDRESSING SPECIFIC
ALLIED ASPECTS OF CONSTRUCTION WITH SOVIETS BY
MEANS OF A FURTHER CHAIRMAN POLAD STATEMENT TO
KHOTULEV THAT WOULD MAKE REFERENCE TO EARLIER
CONVERSATIONS AND INCLUDE FOLLOWING SPECIFIC
LANGUAGE THAT WOULD BE PASSED OVER AS "NON-PAPER.

BEGIN TEXT: THE THREE POWERS WILL APPRECIATE IT
IF THE SOVIET UNION WILL CONFIRM FOR THEM THE
DATE ENVISAGED FOR COMMENCEMENT OF WORK, WILL
MAKE CLEAR TO THEM HOW THE SOVIET UNION PROPOSES
TO KEEP THE THREE ALLIED POWERS REGULARLY INFORMED
OF THE PROGRESS OF THE WORK AND PARTICULARLY OF THE
TEMPORARY DETOURS FOR TRAFFIC THAT IT WOULD NOT
BE POSSIBLE TO AVOID, AND WILL GIVE THEM AN
ASSURANCE THAT ALLIED VEHICLES WILL BE ABLE TO
CIRCULATE FREELY ON THESE DETOURS UNDER THE SAME
CONDITIONS AND PROCEDURES AND ACCORDING TO THE SAME
PRACTICES AS ON THE AUTOBAHN ITSELF. END TEXT.

6. FRENCH HAD ORIGINALLY SUGGESTED THAT WE ALSO
ISSUE A BK/O TAKING NOTE OF AND APPROVING PARTS OF
AGREEMENT DEALING WITH THIS CONSTRUCTION AGAINST GERMANS,
THAT AGREEMENT COULD NOT AFFECT ALLIED RIGHTS AND
RESPONSIBILITIES WITH RESPECT TO TRANSIT. WE AND
BRITISH HAVE ARGUED, AND FRENCH NOW SEEM INCLINED
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TO AGREE, THAT ALLIED TRANSIT IS ACTUALLY PART OF
OLD HIGH COMMISSIONER BRIEF FOR GERMANY AS WHOLE
RATHER THAN PART OF RESPONSIBILITY OF ALLIED
KOMMANDATURA AS CITY GOVERNMENT. APPROPRIATE
WAY TO DEAL WITH PROBLEM, THEREFORE, WOULD BE VIA
APPROACH SUCH AS THAT OUTLINED PARA 5 ABOVE THAT
WOULD PLACE RESPONSIBILITY ON
SOVIETS RATHER THAN BY BK/O ADDRESSED TO GERMANS.

7. WE ARE ALSO INCLINED TO FEEL THAT KOMMANDATURA
NEED NOT ISSUE BK/O OR BK/L DEALING EXPLICITLY WITH
APPLICATION TO BERLIN OF THAT PART OF PACKAGE
DEALING WITH AUTOBAHN CONSTRUCTION SINCE IT HAS
BEEN FOLDED INTO TRANSIT TRAFFIC AGREEMENT, AND
THUS INTO QA REGIME, IN SATISFACTORY MANNER.

AGREEMENT PACKAGE HAS NOW BEEN SUBMITTED FORMALLY
TO KOMMANDATURA, AND WE WOULD PROPOSE TO APPROVE
IT, AS IS TRADITIONAL, BY SILENCE, EXCEPT WHERE
THERE IS NEED TO ISSUE SPECIFIC RESERVATION. THIS
WOULD MEAN THAT WE WOULD IN EFFECT BE BREAKING IT
UP INTO ITS CONSTITUENT PARTS AND WOULD BE ISSUING
DOCUMENTS ON REICHSBAHN AND NORTHERN CROSSING POINTS
ASPECTS AND MAKING FORMAL APPROACH TO SOVIETS ON
ALLIED TRAFFIC ON AUTOBAHN WHILE APPROVING REMAINDER
BY LETTING 21 DAYS PASS.GEORGE

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